THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25667 of 2007

Between:

Mulagapati Mangatayaru.

.. PETITIONER

and

The Tahsildar and another.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25667 of 2007

ORDER:

It is the case of the petitioner that the land admeasuring Ac.0-03 cents

in R.S.No.146 situated at Malkipuram Village and Mandal, East Godavari District, was assigned in favour of the father of the petitioner namely one Gurani Venkateshwarlu, S/o.Seethaiah by the then Mandal Revenue Officer, Malkipuram, on 04-03-1994, and the father of the petitioner constructed a thatched house and residing therein along with the petitioner. It is stated that the father of the petitioner died two years back and the petitioner being the only daughter, succeeded the land in question and she in continuous possession and enjoyment of the said land and the petitioner never encroached upon any other land. While so, the 1st respondent issued a notice under Section 7 of A.P.Land Encroachment Act, 1905, (for short "the Act") on 06-10-2007, stating that the petitioner encroached upon the land admeasuring Ac.2-00 cents in R.S.No.146 situated at Malkipuram Village and Mandal, East Godavari District, and the nature of the land is drainage canal, on which a thatched house has been constructed. It is stated that the petitioner submitted an explanation, dated 24-10-2007, through an Advocate by a registered post on 27-10-2007. It is stated that even before the said explanation is considered and final notice has been passed under Section 6 of the Act, the 1st respondent is taking steps to dispossess the petitioner from the land in question.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the writ petition is disposed of directing the 1st respondent not to evict the petitioner from the land in question without passing final order under Section 6 of the Act. There shall be no order as to costs.

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03-12-2007

Note:
Issue C.C. in two days
(B/o)
Prv